

Notice of Allowability

Application No.	Applicant(s)	
09/714,739	PAASCHE ET AL.	
Examiner	Art Unit	
James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 17 January 2007.
2. The allowed claim(s) is/are 157-160, 163-176 and 178-199.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 21 March 2007
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 17 January 2007 has been entered.

Response to Amendment

On 17 January 2007, applicant amended claims 157,174, 182, 192, 195 and 197. Claims 157-160, 163-176, 179-199 are pending and are allowed.

Reasons for Allowance

Applicant's arguments and amendments are consistent with the disclosures.

The following is an examiner's statement of reasons for allowance:

Prior art does not specifically disclose the features cited in representative claim 192, including an environment for establishing an interactive online registration process between the client browser system and the server computer so that a user may register with an electronic commerce system as a First Participation Category, a Second Participation Category or a Third Participation Category, wherein a First Participation Category is not eligible to earn compensation and is eligible to buy products or services

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at a First participation Category price, wherein a Second Participation Category is not eligible to earn compensation and is eligible to buy products or services at a Second Participation Category price, and wherein a Third Participation Category is eligible to buy products or services at a Third Participation Category price and is eligible to earn compensation;

providing a plurality of web files operatively coupled to a web site associated with the electronic commerce system; allowing access to a plurality of electronic commerce system products or services to the registered First Participation Category, Second Participation Category, or Third Participation Category via at least one of the plurality of web files;

allowing access to a plurality of electronic commerce system products or services to the registered First Participation Category, Second Participation Category, or Third Participation Category via at least one of the plurality of web files; and

creating standing orders, including the steps of:

- receiving a first order by said electronic commerce system via a said network,
- a browser system located at a remote client computer, the first order being received from said registered user via said browser system, the first order comprising a request to purchase, and have provided to the registered user, one or more of a said plurality of electronic commerce system products or services
- generating a first profile, said first profile comprising said first order and specifying a recurrence for said first order; providing said one or more of said plurality of electronic commerce system products or services to said registered user according to said first profile; and
- causing said first order to automatically recur one or more times according to said specification.

Discussion of Closest Prior Art

The closest US prior art of record is **Edelson** (US 5737539). Edelson discloses a [medication] prescription creation system, permitting creation of a single prescription

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to be divided into several components and refills. However, is silent with respect to a membership structure and varying levels of compensation and pricing.

The closest non-patent literature is previously cited **Lettuce**. However, as applicant points out, Lettuce generally describes the services and capabilities of the PeaPod online food shopping company. However, Lettuce does not teach and fairly suggest registering users in the manner claimed by Applicants,

The closest non-US prior art of record is Shell (EP 000844577A2), published on 27 May 1998 by the European Patent Office from an application filed on 3 November 1997. Shell discloses multi-level marketing, but does not present the combination of features claimed by applicant, including membership structure and creating standing orders.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
27 April 2007

James Zurita
Primary Examiner